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13 Adobe Systems Inc.

14 UNITED STATES DISTRICT COURT  
15  
16 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION  
17

18 IN RE: HIGH-TECH EMPLOYEE  
19 ANTITRUST LITIGATION

20 THIS DOCUMENT RELATES TO:  
21  
22 ALL ACTIONS  
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**Master Docket No. 11-CV-2509-LHK**

**DECLARATION OF LIN W. KAHN  
IN SUPPORT OF DEFENDANTS'  
JOINT ADMINISTRATIVE MOTION  
TO FILE UNDER SEAL  
DEFENDANTS' OPPOSITION TO  
PLAINTIFFS' SUPPLEMENTAL  
MOTION IN SUPPORT OF CLASS  
CERTIFICATION AND RELATED  
DOCUMENTS**

Date Consolidated Amended Compl. Filed:  
September 13, 2011

1 I, Lin Wang Kahn, declare as follows:

2 1. I am an attorney with the law firm of Jones Day, counsel for Defendant Adobe  
3 Systems Inc. ("Adobe") in the above-captioned action. I am admitted to practice law before this  
4 Court. I submit this declaration in support of Defendants' Joint Response to Plaintiffs'  
5 Administrative Motion to File Under Seal Plaintiffs' Supplemental Motion in Support of Class  
6 Certification and Related Documents. As an attorney involved in the defense of this action,  
7 unless otherwise stated, I have personal knowledge of the facts stated in this declaration and if  
8 called as a witness, I could and would competently testify to them.

9 2. I have reviewed Defendants' Opposition to Supplemental Class Certification  
10 Motion ("Opposition"), the Expert Report of Kathryn Shaw, Ph.D ("Shaw Report") and  
11 supporting appendices, the Supplemental Expert Report of Professor Kevin M. Murphy ("Murphy  
12 Report") and supporting exhibits and appendices, the exhibits to the Declaration of Christina  
13 Brown ("Brown Declaration"), and the exhibits attached to my declaration titled Declaration of  
14 Lin W. Kahn in Support of Defendants' Opposition to Plaintiffs' Supplemental Motion for Class  
15 Certification ("Kahn Declaration").

16 3. As described below, the information requested to be sealed contains or  
17 summarizes Adobe's compensation and recruiting data, practices, strategies and policies. Adobe  
18 has designated this information as "CONFIDENTIAL – ATTORNEYS' EYES ONLY" pursuant  
19 to the Protective Order in this case. (Dkt. No. 107).

20 4. The October 9, 2012 Declaration of Donna Morris In Support of Defendants' Joint  
21 Response to Plaintiffs' Administrative Motion to File Under Seal (Dkt. No. 196) ("10/9/2012  
22 Morris Decl.") establishes that Adobe's compensation data, practices, strategies and policies, as  
23 well as its recruiting data, practices, strategies and policies are confidential and commercially  
24 sensitive. As stated in the 10/9/2012 Morris Decl., it is Adobe's practice to keep such  
25 information confidential, for internal use only, and not to disclose them to the public.

26 5. Moreover, the 10/9/2012 Morris Decl. establishes that the public disclosure of this  
27 information would harm Adobe, including potentially impairing its competitive position in  
28 recruiting, hiring, and compensating employees. Morris declared that Adobe derives independent

1 economic value from keeping its compensation data and compensation, recruiting and hiring  
2 practices, strategies, and policies confidential, including keeping it from other persons and entities  
3 who could obtain economic value from its disclosure or use.

4 6. Furthermore, as noted by Morris in the 10/9/2012 Morris Decl., the public  
5 disclosure of this information, created for internal use, would give third-parties insights into  
6 confidential and sensitive aspects of Adobe's operations and deprive Adobe of its investment in  
7 developing these practices, strategies, and policies. The declaration further establishes that such  
8 disclosure would give other entities an unearned advantage by giving them the benefit of knowing  
9 how Adobe compensates employees and Adobe's compensation, recruiting, and hiring practices,  
10 strategies, and policies.

11 7. In addition to the 10/9/2012 Morris Decl., Adobe's declarations filed in support of  
12 the Opposition to Plaintiffs' Motion for Class Certification also establish the confidentiality of  
13 Adobe's compensation and recruiting data, practices, strategies and policies. In particular, the  
14 Declaration of Donna Morris of Adobe Systems Inc. in Support of the Opposition to Plaintiffs'  
15 Motion for Class Certification (Dkt. No. 215, Exhibit 14) ("11/9/2012 Morris Decl."), paragraph  
16 3, establishes that Adobe's salary and compensation data, policies and strategies are confidential  
17 and that public dissemination of that information could cause Adobe competitive harm. The  
18 Declaration of Jeff Vijungco of Adobe Systems Inc. in Support of the Opposition to Plaintiffs'  
19 Motion for Class Certification (Dkt. No. 215, Exhibit 15) ("Vijungco Decl."), paragraph 3,  
20 similarly establishes that Adobe's recruiting and hiring data, policies and strategies are  
21 confidential and that public dissemination of that information could cause Adobe competitive  
22 harm.

23 8. The confidentiality of this type of information was confirmed recently by the  
24 January 21, 2013 Declaration of Donna Morris in Support of Renewed Motion to Seal (Dkt. No.  
25 284).

26 9. Specifically, Adobe seeks to keep the following redacted portions of the  
27 **Opposition** under seal:

- 28 • Page 8, line 16 contains confidential information about Adobe's job title

1 information and associated compensation data. This is internal confidential Adobe information  
 2 that directly relates to Adobe's compensation strategies and practices.

3           • Job title shown in figure on Page 8 contains confidential information about  
 4 Adobe's job title information and associated compensation data. This is internal confidential  
 5 Adobe information that directly relates to Adobe's compensation strategies and practices.

6           • Page 9, line 12 contains confidential information about Adobe's job title  
 7 information and associated compensation data. This is internal confidential Adobe information  
 8 that directly relates to Adobe's compensation strategies and practices.

9           10. Adobe also seeks to keep the following redacted portions of the exhibits attached  
 10 to the **Brown Declaration** under seal:

11           • Excerpts from the deposition of Kevin Hallock pages 177:18; 178:8; 178:13;  
 12 178:14; 178:17; 183:9; 183:10; 183:13; 184:10; 191:23; 192:13; 193:25; 203:4; 203:9; 243:2;  
 13 260:18; 260:21; 261:1; 261:5. These excerpts contain the names of current and/or former Adobe  
 14 employee, the disclosure of which may also reveal these employees' confidential and private  
 15 compensation information.

16           11. Moreover, Adobe seeks to keep the following redacted portions of the **Shaw**  
 17 **Report** under seal:

18           • Page 19, portion of paragraph 51 contains confidential information about  
 19 Adobe's job title information and associated compensation data. This is internal confidential  
 20 Adobe information that directly relates to Adobe's compensation strategies and practices.

21           • Page 24, portion of footnote 36 contains confidential information about  
 22 Adobe's job title information and associated compensation data. This is internal confidential  
 23 Adobe information that directly relates to Adobe's compensation strategies and practices.

24           • Page 26, portion of paragraph 68 contains confidential information about  
 25 Adobe's job title information and associated compensation data. This is internal confidential  
 26 Adobe information that directly relates to Adobe's compensation strategies and practices.

27           • Redacted portions of Appendix D, page 2, paragraph 3 contain confidential  
 28 information about Adobe's job titles and associated compensation data. This is internal

1 confidential Adobe information that directly relates to Adobe's compensation strategies and  
2 practices.

3 • Redacted portions of Appendix E 1 contain confidential information about  
4 Adobe's job titles. This is confidential Adobe information that pertains to Adobe's compensation  
5 and employee management practices.

6 12. In addition, Adobe seeks to keep the following redacted portions of the **Murphy**  
7 **Report** under seal:

8 • Redacted portion of paragraph 15, page 5 contains confidential information  
9 about Adobe's job title information and associated compensation data. This is internal  
10 confidential Adobe information that directly relates to Adobe's compensation strategies and  
11 practices.

12 • Redacted portions of Exhibit 1 contains confidential information about  
13 Adobe's job title information and associated compensation data. This is internal confidential  
14 Adobe information that directly relates to Adobe's compensation strategies and practices.

15 • Redacted portions of Exhibit 2 contains confidential information about  
16 Adobe's job title information and associated compensation data. This is internal confidential  
17 Adobe information that directly relates to Adobe's compensation strategies and practices.

18 • Redacted portions of Appendix B contains confidential information about  
19 Adobe's job titles. This is confidential Adobe information that pertains to Adobe's compensation  
20 and employee management practices.

21 13. Further, Adobe seeks to keep the following redacted portions of exhibits attached  
22 to the Kahn Declaration under seal:

23 • Redacted portion of Exhibit 1 contains confidential information regarding  
24 Adobe's compensation practices and processes.

25 • Redacted portion of Exhibit 6 contains confidential information regarding  
26 Adobe's compensation practices and processes.

27 • Redacted portion of Exhibit 9 contains detailed descriptions of Adobe's  
28 compensation practices, policies, and processes.

1                   • Redacted portion of Exhibit 11 contains confidential information regarding  
2 Adobe's compensation practices and processes.

3  
4                   I declare under penalty of perjury under the laws of the United States that the foregoing is  
5 true and correct. Executed this 21th day of June 2013 in San Francisco, California.

6  
7  
8                   By: /s/ Lin W. Kahn

Lin W. Kahn